

**PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

MIDDLE DISTRICT OF ALABAMA

RECEIVED

United States District Court For The Middle District of Alabama

JAMES ROBINSON  
JAMES ROBINSON

CC98-1222, CC98-1628  
CC98-1222, CC98-1628

Name (under which you were convicted):

Docket or Case No:

DRAPER CORRECTION FACILITY

AIS # 121865

Place of Confinement:

Prisoner No.:

JAMES ROBINSON

WARDEN JAMES DeLOACH

~~JAMES ROBINSON~~  
Petitioner (include the name under  
which you were convicted)

Respondent (authorized person having  
custody of petitioner)

v.

ATTORNEY GENERAL TROY KING

The Attorney General of the State of

**PETITION**

1. (a) Name and location of court which entered the judgment of conviction  
you are challenging: HOUSTON COUNTY, ALABAMA CIRCUIT COURT

(b) Criminal docket or case number (if you know): CC98-1222, CC98-1628

2. (a) Date of judgment of conviction (if you know): MAY 04, 1999

(b) Date of sentencing: may 04, 1999

3. Length of sentence: 25 Years 15 Years suspended, 10 Years

4. In this case, were you convicted on more than one count or of more than one  
crime? Yes ☒ No ☐

5. Identify all crimes of which you were convicted and sentenced in this case:  
FORGERY SECOND, POSSESSION FORGED INSTRUMENT, BREAKINGENT.

BREAKING ENTERING AUTOMOBILE.

6. (a) What was your plea? (Check one)

(1) Not guilty ☐

(3) Nolo contendere (no contest) ☐

(2) Guilty ☒

(4) Insanity plea ☐

SCANNED  
KH 11/29/06

(b) If you entered a guilty plea to one count or charge and a not guilty

N/A

plea to another count or charge, what did you plead not guilty to

N/A

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury ☐ Judge only ☒

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes ☐ No ☒

8. Did you appeal from the judgment of conviction?

Yes ☒ No ☐

9. If you did appeal, answer the following:

(a) Name of court: ALABAMA COURT OF CRIMINAL APPEALS

(b) Docket or case number (if you know): CR-05-0233

(c) Result: AFFIRMED

(d) Date of result (if you know): SEE RECORDS OF COURT- 2006

(e) Citation to the case (if you know): JAMES L. ROBINSON V. STATE

(f) Grounds raised: CONSTITUTIONALITY OF 13A-5-9.1 & 14-9-41(a)(e)  
NON-VIOLENT OFFENDERS & CIT GOOD TIME CLAIMS

(g) Did you seek further review by a higher state court? Yes ☒ No ☐

If yes, answer the following: APPEALED TO ALABAMA COURT OF APPEALS

(1) Name of court: ALABAMA CRIMINAL APPEALS

(2) Docket or case number (if you know): CR-05-0233

(3) Result: AFFIRMED

(4) Date of result (if you know): SOME TIME IN 2006

(5) Citation to the case (if you know): ROBINSON V. STATE

(6) Grounds raised: SAME AS STATED PRIOR

(h) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒ STATE OF ALABAMA DENIED ACCES TO COURT REFUSED ROBINSON'S INCOMING MAIL. DID NOT HAVE DATE DENIED.  
If yes, answer the following:

ROBINSON WAS RETALIATED AGAINST.

(1) Docket or case number (if you know): N/A

(2) Result: N/A

(3) Date of result (if you know): N/A

(4) Citation to the case (if you know): N/A

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? Yes ☐ No ☒

11. If your answer to Question 10 was "Yes," give the following information:

(a)(1) Name of court: N/A

(2) Docket or case number (if you know): N/A

(3) Date of filing (if you know): N/A

(4) Nature of proceeding: N/A

(5) Grounds raised: N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes [ ] No [X]

(7) Result: \_\_\_\_\_ N/A

(8) Date of result (if you know): \_\_\_\_\_ N/A

(b) If you filed any second petition, application or motion give the same information:

(1) Name of court: \_\_\_\_\_ N/A

(2) Docket or case number (if you know): \_\_\_\_\_ N/A

(3) Date of filing (if you know): \_\_\_\_\_ N/A

(4) Nature of proceeding: \_\_\_\_\_ N/A

(5) Grounds raised: \_\_\_\_\_ N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes [ ] No [X]

(7) Result: \_\_\_\_\_ N/A

(8) Date of result (if you know): \_\_\_\_\_ N/A

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: \_\_\_\_\_ N/A

(2) Docket or case number (if you know): N/A

(3) Date of filing (if you know): N/A

(4) Nature of proceeding: N/A

(5) Grounds raised: N/A

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒

(7) Result: N/A

(8) Date of result (if you know): N/A

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: Yes ☒ No ☐

(2) Second petition: Yes ☐ No ☐

(3) Third petition: Yes ☐ No ☐

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

Appeal was made to Alabama Court of Criminal Appeals,

Robinson was denied by State of Alabama to address the

Constitutionality of 13A-5-9.1 and 14-9-41(a)(e) in Ala-

Supreme Court due to State Officials acts to deny access to Court.

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: EQUAL PROTECTION CLAUSE VIOLATION UNDER  
NON-VIOLENT AND DENIAL OF GRANTING CIT GOOD TIME

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): STATE OF ALABAMA AMENDED 13A-5-9.1 and

AMENDED CODE OF AL. 1975 Sec. 14-9-41(e) BY ACT 91-637

TO AWARD CIT GOOD TIME TO HABITUAL OFFENDERS, 15 YEARS

AND LESS. ROBINSON AVERS THAT HE IS ENTITLED TO EQUAL

PROTECTION BY LANGUAGE SPOKEN IN BOTH STATUTES, AND

LEGISLATIVE INTENT, ROBINSON IS ENTITLED BASED ON ALL

LAWS WHICH ARE TO OPERATE EQUALLY.

(b) If you did not exhaust your state remedies on Ground One, explain why:

~~ALL STATE REMEDIES WERE EXHAUSTED. ROBINSON WAS DENIED~~  
~~SUPREME COURT OF ALABAMA DUE TO STATE DENYING ACCESS~~  
~~TO COURT BY ATTORNEY GENERAL OFFICE, ADOC OFFICIALS ACTS.~~

(c) Direct Appeal of Ground One: AFFIRMED

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: ISSUES RAISED

(d) Post-Conviction Proceedings: APPEAL WAS DONE BY AND THROUGH RULE 32.

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: RULE 32

Name and location of the court where the motion or petition was filed:

houston county, HOUSTON COUNTY, ALABAMA

Docket or case number (if you know): CC98-1222 CC98-1628

Date of the court's decision: UNKOWN TO THIS WRITER

Result (attach a copy of the court's opinion or order, if available): JUST

DENIED

(3) Did you receive a hearing on your motion or petition? Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?  
Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue  
in the appeal? Yes ☒ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: SAME AS ABOVE

THIS WAS THE ONLY APPEAL OF THIS CASE.

Docket or case number (if you know): SAME AS ABOVE

Date of the court's decision: SAME AS ABOVE

Result (attach a copy of the court's opinion or order, if available): CRIMINAL

APPEALS DECISION ATTACHED

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain  
why you did not raise this issue: N/A

(e) Other Remedies: Describe any other procedures (such as habeas corpus,

NONE FILED. ONLY THE RECORDS ATTACHED WERE FILED RULED

ON BY COURT OF CRIMINAL APPEALS.



administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: SAME AS STATED

GROUND TWO: N/A

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): N/A

(b) If you did not exhaust your state remedies on Ground Two, explain why: N/A

(c) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes ☐ No ☐ N/A

(2) If you did not raise this issue in your direct appeal, explain why: N/A

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed:

N/A

Docket or case number (if you know): N/A

Date of the court's decision: N/A



Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

~~ATTACHED~~

(3) Did you receive a hearing on your motion or petition? Yes ☐ No ☐ N/A

(4) Did you appeal from the denial of your motion or petition? Yes ☐ No ☐ N/A

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes ☐ No ☐ N/A

(6) If your answer to Question (d)(4) is "Yes," state: N/A

Name and location of the court where the appeal was filed: \_\_\_\_\_ N/A

Docket or case number (if you know): \_\_\_\_\_ N/A

Date of the court's decision: \_\_\_\_\_ N/A

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_ N/A

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: \_\_\_\_\_ N/A

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two:

\_\_\_\_\_ N/A

### GROUND THREE:

\_\_\_\_\_ N/A

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): \_\_\_\_\_ ALREADY STATED PRIOR

(b) If you did not exhaust your state remedies on Ground Three, explain why:

~~STATE REMEDIES EXHAUSTED~~

(c) Direct Appeal of Ground Three:

N/A

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes ☐ No ☐ N/A

(2) If you did not raise this issue in your direct appeal, explain why:

N/A

(d) Post-Conviction Proceedings:

N/A

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☐ No ☐ N/A

(2) If your answer to Question (d)(1) is "Yes," state: N/A

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed:

N/A FULLY STATED ABOVE

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available): N/A

(3) Did you receive a hearing on your motion or petition? Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition? Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes ☐ No ☐ EXPLAINED IN FULL EARLIER

(6) If your answer to Question (d)(4) is "Yes," state: N/A

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: \_\_\_\_\_

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: \_\_\_\_\_

GROUND FOUR: \_\_\_\_\_

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): \_\_\_\_\_

(b) If you did not exhaust your state remedies on Ground Three, explain why: \_\_\_\_\_

(c) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion or petition? Yes ☐ No ☐

(4) Did you appeal from the denial of your motion or petition?  
Yes ☐ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: N/A  
\_\_\_\_\_

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction?

Yes ☐ No ☐

N/A

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: N/A  
\_\_\_\_\_  
\_\_\_\_\_

(b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes ☐ No ☐ N/A None Other Filed

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. N/A  
Attach a copy of any court opinion or order, if available. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. \_\_\_\_\_  
N/A  
\_\_\_\_\_

N/A

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: \_\_\_\_\_

(b) At arraignment and plea: JACK A. BLUMENFELD

(c) At trial: \_\_\_\_\_

(d) At sentencing: JACK A. BLUMENFELD

(e) On appeal: JAMES ROBINSON PRO SE

(f) In any post-conviction proceeding: JAMES ROBINSON PRO SE

(g) On appeal from any ruling against you in a post-conviction proceeding:

~~JAMES ROBINSON PRO SE~~

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: NONE LEFT TO SERVE

(b) Give the date the other sentence was imposed: N/A

(c) Give the length of the other sentence: N/A

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes ☐ No ☐ N/A

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.\* THIS CASE WAS NOT RULED ON UNTIL 2006 BY ALABAMA COURT OF CRIMINAL APPEALS.

---

---

---

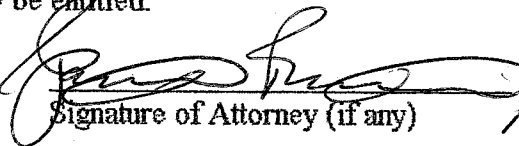
---

---

---

---

Therefore, petitioner asks that the Court grant the following relief: THE COURT TO ORDER A COMPLETE TRANSCRIPT OF GUILTY PLEA, AND TO ORDER ROBINSON'S RELEASE FOR TIME SERVED. (SEE ATTACHED) or any other relief to which petitioner may be entitled.

  
Signature of Attorney (if any) 12/8/65 *PLS SL*

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 11/27/06 (month, date, year).

Executed (signed) on 11/27/06 (date).

  
Signature of Petitioner 12/8/65

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition. N/A

---

---



## PROCEDURAL HISTORY AND FACTS OF CASE

James Robinson, was indicted by the Grand Jury of Houston County, Alabama for Possession of Forged Instrument, Breaking Entering Automobile, and Forgery Second. Robinson was represented by Honorable Jack A. Blumenfeld. Robinson gave specific facts to show and prove that he was innocent and di not commit the crimes to which he was all charged for, and had worked with the State prior to these cases and assisted the Officer in charge, and would take full responsibility for a sentence which would not exceed the actual amount of time to which Robinson had left to serve under CC88-125, a 25 Years sentence from Houston County, Alabama for Burglary 3rd degree.

THE State of Alabama, Honorable Judge Sidney Edward Jackson made agreement to sentence Robinson to a term of 25 Years with suspension of 15 Years of the 25, and the 15 years suspended to run concurrent with the case number CC88-125, leaving Robinson with a term of only 10 Years to serve on the 25 Years imposed. Robinson agreed and entered a guilty plea on these basis alone.

On May 4th, 1999 a guilty plea was accepted, Robinson's sentence was 15 Years suspended to run concurrent with CC-88-15. (See Court exhibit attached.) Robinson already serving a full term of 70 Years from Houston and Henry County, Alabama. 20 Years in Case Number CC86-825, 25 Years in CC88-125, and 25 Years in CC88-26, all cases were consecutive for a full term of 70 Years.

Robinson's time sheet by ADOC in 1999 had no changes by actual release date where the sentences in the 98 cases were concurrent with the full terms of 70 Years, and Robinson had no idea that the Court had failed to comply with the sentence by guilty plea agreement, and the State at no time never made any request for any changes in the sentence imposed, nor did the Judge issue any orders contrary to what was accepted and Robinson sentenced to. See Court's records for strict proof.

Robinson after successfully receiving concurrent sentence orders by proper Motion for NUNC PRO TUNC, received a time sheet showing a full term of 25 Years in the 98 cases. The sentence agreement still exist and the Clerks error has not been corrected.

Robinson prior to the concurrent sentence being granted filed a timely Motion for NON-Violent, under

13A-5-9.1 Robinson's Petition raised facts and issues based on the Equal Protection Clause of the United States Constitution, and requested the Court rule on the violations which exist. Robinson's issue under 14-9-41(a)(e) under equal protection, where CIT Good Time was a issue based under Alabama Legislative Intent, and Robinson must be given relief based on what took place with amending 14-9-41(e) giving Habitual Offenders CIT Good Time with 15 Years and less.

Robinson's sentences and convictions are all Class C felony offenses and the maximum range of punishment for a Class C is only ten (10) Years. Robinson's sentence being enhanced by law under 13A-5-9, to which all HFOA comes under mandatory language. Robinson avers that once the Legislatures amended and gave it to where Class NON-Violent application could be filed back into Court there exist a equal protection clause which must be address.

#### ISSUES WHICH HAVE BEEN ADDRESS

1. Whether 13A-5-9.1 is constitutional based on the mandatory language used **Must**. Code of Alabama 1975 Section 13A-5-9 said **must**, be sentenced, all convictions.

2. Whether 13A-5-9.1 is constitutional and survives the equal protection clause violations. Robinson's sentence enhancement comes by 13A-5-9, which made it mandatory for Robinson sentence to be enhanced. Under the equal protection clause Robinson is entitled to relief to have the same to which all NON-Violent Offenders receive by resentencing. Robinson was denied resentencing based on Judge Jackson's ruling saying 13A-5-9.1 applies to only (2) Two classes, Life under Class B and Life Without under Class A.

(A). The equal Protection Clause violation exist and the State Of Alabama has refused to address the United States Federal Constitutional violations which take place by clear and obvious equal protection violations based on the Statutory construction of 13A-5-9, and the mandatory words spoken.

3. Robinson requested Judge Jackson to answer, and provide facts under the Constitution violations being done by 14-9-41(a)(e). Robinson's request avers that based on the amending of 13A-5-9.1 that 14-9-41(a)(e) would mean that CIT Good Time was therefore for all as written by 14-9-41(a).

#### RELIEF

1. The Court to order a full transcript of the guilty plea proceedings be produced in this case.
2. Robinson request time served, where all cases are now concurrent.

3. The Court to grant the United States Constitution under Equal Protection to which must be afforded by application of law to Robinson under Alabama Legislative Intent.

4. The Court to rule under CIT Good Time based on Equal Protection violations to which State of Alabama waived, and did not rule under for the Constitutional issues which went before State Court.

5. The guilty plea transcript, transcript of Post Conviction NON-VIOLENT, and all records be produced before this Court.

Respectfully

-----  
JAMES ROBINSON  
P.O. BOX 1107  
ELMORE, AL. 36025

DATED THIS 27th DAY OF NOVEMBER, 2006

# **Exhibit A**

"A"

EXHIBIT

4-28-99- NOTICE TO DEFENDANT OF PREVIOUS CONVICTIONS &  
NOTICE OF INTENT TO USE SUCH CONVICTIONS FOR IMPEACHMENT PURPOSES

May 3, 1999- Motion to Transport

5/4, 1999

On this day appeared the Defendant with his attorney and,  
with the consent and approval of his attorney, withdrew his  
plea of not guilty and entered a plea of guilty to

*Less of Federal Title 4*

Before accepting Defendant's plea of guilty, the Court advised  
the Defendant of all of his constitutional rights with the  
colloquy being taken down. The Court  
then permitted the Defendant to enter a plea of not guilty  
and enter a plea or provide a written statement. The Court inquired  
of Defendant if he had any questions regarding judgment and  
sentence should not be imposed. Defendant and Defendant  
said nothing. It is the Court's order that the Defendant be  
Court that the Defendant be sentenced to a term of imprisonment and as a  
punishment Defendant be sentenced to

☒ the penitentiary for a term of *25 years under FHDA, 15 years being the*  
*pen amt with CC 88-125*

☐ Houston County Jail for a term of \_\_\_\_\_  
on which he is hereby sentenced to pay

restitution to \_\_\_\_\_ in the amount of \_\_\_\_\_

\_\_\_\_\_ a fine of *400* and a victim compensation

assessment of *600*, in addition to all Court Costs.

The sentence is suspended for a period of \_\_\_\_\_ on payment  
of fine, costs, and restitution and good behavior.

*Jackson*  
JUDGE

*5th to file petition order w/e 10 days  
after which Def. to file objection w/e 10 days*

5-13-99 *unofa Ruth*

5-17-99 gave back copy of CAS

5-24-99 Filed Motion for Reconsideration of Consecutive Sentences, For Order by  
Nunc Pro Tunc.

5/26/99 Motion denied, Jackson, Judge  
5-29-99- N. DA Dept.



ACSO370  
OPER: PAS  
PAGE: 1

ALABAMA

JUDICIAL INFORMATION SYSTEM  
CASE ACTION SUMMARY  
CIRCUIT CRIMINAL

CASE: CC 98 001222.00

RUN DATE: 09/23/98

IN THE CIRCUIT COURT OF HOUSTON

JUDGE: SEJ

STATE OF ALABAMA

VS

ROBINSON JAMES LENWOOD  
616 PINTO DR

CASE: CC 98 001222.00

DOTHAN, AL 36301 0000

DOB: 01/20/52 SEX: M RACE: B HT: 5 09 WT: 210 HR: BLK EYES: BRO  
SSN: 420729201 ALIAS NAMES:CHARGE1: POSS FORCED INSTR 2N CODE1: CPF2 LIT: POSS FORCED INS TYP: F  
MORE?: OFFENSE DATE: 11/11/97 AGENCY/OFFICER: 0380100 KILPATRDATE WAR/CAP ISS: DATE ARRESTED: 11/12/97  
DATE INDICTED: 08/19/98 DATE FILED: 09/23/98  
DATE RELEASED: 11/12/97 DATE HEARING:  
BOND AMOUNT: \$10,000.00 SURETIES: PROPERTYDATE 1: 10/14/98 DESC: ARRD TIME: 0900 A  
DATE 2: 11/16/98 DESC: TRAL TIME: 0830 ADEF/ATY: Jack Blumensfeld (A) TYPE:  
PROSECUTOR: VALESKA, DOUGLAS A TYPE:OTH CSE: 9700287500 CHK/TICKET NO: WR97 6166 GRAND JURY: 000238  
COURT REPORTER: SID NO: 0000000000  
DEF STATUS: BOND DEMAND: OPER: PAS

NOTE: WARRANT ISSUED 111297

DATE ACTIONS, JUDGEMENTS, AND NOTES

10-14-98

*Arrested*  
*Arrestment Continued - J. Lett, Judge*

10-23-98--

Transport Order. (in file)

11-4-98

**WAIVER OF ARRAIGNMENT****RECIPROCAL DISCOVERY ORDER**11-5-1998

Within 14 days of this order, the State and Defendant will make available for inspection and copying all materials discoverable under the Alabama Rules of Criminal Procedure. In addition, the State will make any exculpatory materials available to the defense. The State will make its materials available at the District Attorney's office and the defense will do likewise at defense counsel's office.

(11-10-98 N - J.B. + D.V.)

Circuit Judge

11-6-98--

Motion for discovery.

4-20-99

*Consolidation Order. (In File)*

4-15-99

*Motion to Transport*

4-16-99

*G.U. Rler (In File)*

4-21-99--

Opposition to consolidation.

# **Exhibit B**

IN THE CIRCUIT COURT OF HOUSTON COUNTY, ALABAMA

STATE OF ALABAMA

Plaintiff

VS.

JAMES ROBINSON,

Defendant

CASE NO. CC-98-1628 J

\*\*\*\*\*/

MOTION TO VACATE ORDER AND AMEND

Comes now, James Robinson and pursuant to Code Of Alabama 1975 Section 13A-5-9.1 and shows unto Honorable Judge Edward Jackson the following which comes by actual Statute, and Legislative intent. :

1. Robinson comes under the provisions of Albama retroactive application of 13A-5-9, 13A-5-9.1 for none violent offender.

2. The plain language of Section 13A-5-9.1 provides that an inmate may ask the sentencing Judge or the Presiding Judge for relief from a previous sentenced imposed pursuant to the HFOA.

[A]. The plain language of a Statute, provides Legislative intent, and where the language is in its ordinary meaning, it must control. See **RADNEY V. STATE**, 840 So2d 190,196 (Ala. Crim. App. 2002) [3] It is well settled that words used in

**FILED**

OCT 13 2005

*Judy Byrd*  
JUDY BYRD, CLERK  
HOUSTON CO AL

Page 2.

a statute **must** be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used a court is bound to interpret that language to mean exactly what it says.

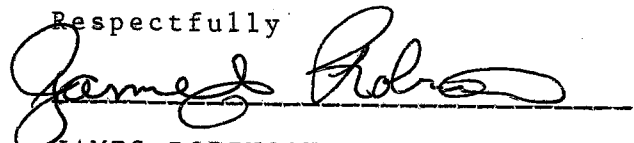
Therefore under 13A-5-9.1 it is plain language that grants all none violent offenders who were sentence under HFOA, which is from a previous sentence imposed pursuant to the HFOA., resentencing.

3. The holding under EX Parte Kirby, it was stated; Although Section 13A-5-9.1 is not a model of clarity it does provide reasonably clear standards for it's execution and administration.

[A]. The HFOA under 13A-5-9 provides sentences which under Class C felony offenders, with 15 years and a day are prohibited from earning CIT Good Time, therefore 13A-5-9.1 grants none violent offenders who have served 10, or 12 years a means to be resentence and be released. The HFOA under the 25 year sentence has no provisions for CIT Good Time, so based on the plain language of 13A-5-9.1 all who were sentenced under HFOA by 13A-5-9 was granted the right to apply to the sentencing Court for resentencing.

Robinson, prays the Honorable Judge will review the facts and statute of law. Where Robinson respect the Honorable Judge decision.

Respectfully



JAMES ROBINSON

10/10/05

IN THE CIRCUIT COURT OF HOUSTON COUNTY, ALABAMA

JAMES ROBINSON

DEFENDANT/PETITIONER

VS.

STATE OF ALABAMA

RESPONDENT/PLAINTIFF

CASE NO. CC-98-1628

\*\*\*\*\*/

MOTION TO AMEND AND SUPPLEMENT UNDER STATUTE'S  
13A-5-9.1 AND CODE OF AL. 1975 14-9-41(a)(e)

Comes now James Robinson and petition the Honorable Judge Sidney Edward Jackson to make a ruling under the issues, and facts which governs Robinson's Constitutional rights by Alabama Statutes of law. Robinson under Code Of Alabama 1975 Section 13A-5-9.1 has entitlement based on the plain language, where Robinson's none violent application came before this Honorable Court. The Honorable Judge issued his ruling denying, where 13A-5-9.1 has been ruled by this Court deemed denied, where 13A-5-9.1 applies under 13A-5-9 HFOA, only to two Classes, Life Without, and Life.

Code Of Alabama 1975 Section 14-9-41(a) stands to say that Robinson conviction is entitled to earn CIT Good Time where plain language of the Statute clearly says, Shall,

**FILED**

OCT 13 2005

Judy Byrd  
JUDY BYRD, CLERK  
HOUSTON CO., AL

Page 2

and, words which come from mandatory language, Shall hereafter be convicted of any offense....or sentence upon any conviction... other than for life..." Robinson's term comes under none violent, and under Alabama Constitution 1901, and the Constitution of these United States, Robinson's 1st, 4th, 5th, 6th, and 14th Amendments Rights must be protected by one of the Statutes protection. For the following individually.

1. Robinson has a conviction which comes under Class C Felony offense, and is for a total term of 25 years. Robinson has served a total of 20 years with all jail credit awarded, along with CC-86-825.

2. Code Of Alabama 1975 Section 13A-5-9 comes under the HFOA Act. Robinson's sentence comes under the enhancement by way of 13A-5-9. Where the statute was amended in 2000.

3. Robinson's term of sentence is not life and is govern by the provisions of 13A-5-9. Where the Legislative intent under 13A-5-9.1 was to grant none violent offenders the same equal protection by resentencing through the trial Court, Robinson's rights by way of the Constitution must be protected. In that 13A-5-9.1 is for life, and life with-out. The Legislators then must by full plain language intended at all times for Robinson and others to have been long receiving the same

Page 3

under Code of Alabama 1975 Section 14-9-41(a) CIT Good Time, for the equal protection under Alabama Constitution. Where the Courts can provide resentencing for Class B Life and EOS by way of serving ten or Twelve years for a sentence imposed, but deny release by resentencing for a Class C felony with only 25 years, where Robinson has served 20 years on the sentence imposed.

4. Code of Alabama 1975 Section 14-9-41(e) provides that only those who have 15 years and less, and who are not Class A felony, these are the only ones who are entitled to earn CIT Good Time. The Constitutional rights under these United States are being violated where Robinson comes under three sections of Alabama law which must afford some equal protection, and the created liberty interest spoken by way of 14-9-41(a), which is plain language, and well understood.

**Relief Requested Before Judge Jackson**

1. The Honorable Judge to take review of the issues which comes before the Court under Alabama Statute, and issue an order stating specific facts to which Robinson is entitled.
2. The Court to enter a order granting CIT Good Time under 14-9-41(a) based on the plain language.



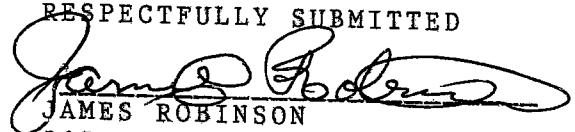
Page 4

3. The Honorable Judge Jackson grant what is written under Code Of Alabama 1975 Section 14-9-41(e), where the Court is granted full permission to state under the transcript of records as to whether the sentence imposed is prohibited from earning CIT Good Time, and or denial if based upon a conviction which causes serious physical injury, or loss of limbs, and etc.."

4. The Honorable Judge to review the Constitutional issues which comes before this Court and issue and opinion, and or full facts of how the Statutes would apply based on Statutes construction as a matter of law in Alabama.

5. To any and all relief that Robinson is entitled.

RESPECTFULLY SUBMITTED



JAMES ROBINSON

565 BIBB LANE

BRENT, ALABAMA 35034

10-9-05

# **Exhibit C**

IN THE CIRCUIT COURT OF HOUSTON COUNTY, ALABAMA

JAMES ROBINSON

DEFENDANT/PETITIONER

VS.

STATE OF ALABAMA

RESPONDENT/PLAINTIFF

CASE NO. CC-98-1628

\*\*\*\*\*/

MOTION TO AMEND AND SUPPLEMENT UNDER STATUTE'S  
13A-5-9.1 AND CODE OF AL. 1975 14-9-41(a)(e)

Comes now James Robinson and petition the Honorable Judge Sidney Edward Jackson to make a ruling under the issues, and facts which governs Robinson's Constitutional rights by Alabama Statutes of law. Robinson under Code Of Alabama 1975 Section 13A-5-9.1 has entitlement based on the plain language, where Robinson's none violent application came before this Honorable Court. The Honorable Judge issued his ruling denying, where 13A-5-9.1 has been ruled by this Court deemed denied, where 13A-5-9.1 applies under 13A-5-9 HFOA, only to two Classes, Life Without, and Life.

Code Of Alabama 1975 Section 14-9-41(a) stands to say that Robinson conviction is entitled to earn CIT Good Time where plain language of the Statute clearly says, Shall,

**FILED**

OCT 13 2005

*Judy Byrd*  
JUDY BYRD, CLERK  
HOUSTON CO., AL

Page 2

and, words which come from mandatory language, Shall hereafter be convicted of any offense....or sentence upon any conviction... other than for life..." Robinson's term comes under none violent, and under Alabama Constitution 1901, and the Constitution of these United States, Robinson's 1st, 4th, 5th, 6th, and 14th Amendments Rights must be protected by one of the Statutes protection. For the following individually.

1. Robinson has a conviction which comes under Class C Felony offense, and is for a total term of 25 years. Robinson has served a total of 20 years with all jail credit awarded, along with CC-86-825.

2. Code Of Alabama 1975 Section 13A-5-9 comes under the HFOA Act. Robinson's sentence comes under the enhancement by way of 13A-5-9. Where the statute was amended in 2000.

3. Robinson's term of sentence is not life and is govern by the provisions of 13A-5-9. Where the Legislative intent under 13A-5-9.1 was to grant none violent offenders the same equal protection by resentencing through the trial Court, Robinson's rights by way of the Constitution must be protected. In that 13A-5-9.1 is for life, and life with-out. The Legislators then must by full plain language intended at all times for Robinson and others to have been long receiving the same

Page 3

under Code of Alabama 1975 Section 14-9-41(a) CIT Good Time, for the equal protection under Alabama Constitution. Where the Courts can provide resentencing for Class B Life and EOS by way of serving ten or Twelve years for a sentence imposed, but deny release by resentencing for a Class C felony with only 25 years, where Robinson has served 20 years on the sentence imposed.

4. Code of Alabama 1975 Section 14-9-41(e) provides that only those who have 15 years and less, and who are not Class A felony, these are the only ones who are entitled to earn CIT Good Time. The Constitutional rights under these United States are being violated where Robinson comes under three sections of Alabama law which must afford some equal protection, and the created liberty interest spoken by way of 14-9-41(a), which is plain language, and well understood.

**Relief Requested Before Judge Jackson**

1. The Honorable Judge to take review of the issues which comes before the Court under Alabama Statute, and issue an order stating specific facts to which Robinson is entitled.
2. The Court to enter a order granting CIT Good Time under 14-9-41(a) based on the plain language.

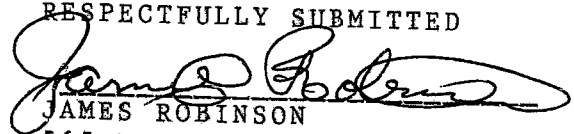
Page 4

3. The Honorable Judge Jackson grant what is written under Code Of Alabama 1975 Section 14-9-41(e), where the Court is granted full permission to state under the transcript of records as to whether the sentence imposed is prohibited from earning CIT Good Time, and or denial if based upon a conviction which causes serious physical injury, or loss of limbs, and etc.."

4. The Honorable Judge to review the Constitutional issues which comes before this Court and issue and opinion, and or full facts of how the Statutes would apply based on Statutes construction as a matter of law in Alabama.

5. To any and all relief that Robinson is entitled.

RESPECTFULLY SUBMITTED



JAMES ROBINSON

565 BIBB LANE

BRENT, ALABAMA 35034

10-9-05